

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

NICHOLAS HEITMAN,

Defendant.

4:23CR3058

**ORDER ON PETITION FOR ACTION
ON CONDITIONS OF PRETRIAL
RELEASE**

The defendant appeared before the Court on August 9, 2024 regarding Petition for Action on Conditions of Pretrial Release [57]. Jonathan Braaten represented the defendant. Daniel Packard represented the government. The defendant was advised of the alleged violation(s) of pretrial release, the possible sanctions for violation of a release condition, and the right to a hearing in accordance with the Bail Reform Act. 18 U.S.C. § 3148.

The defendant denied violating release condition(s) [24]. The Court took judicial notice of the petition and violation report. Both parties were given an opportunity to present evidence and make argument. After consideration of the parties' evidence and arguments, the Court finds there is probable cause that a crime was committed; and clear and convincing evidence that a condition was violated. Therefore, the Court finds the defendant violated the Order Setting Conditions of Release [24].

The government requested an order of revocation and detention. The defendant requested release on present or amended conditions. After consideration of the report of Pretrial Services and the arguments of the parties, and affording the defendant an opportunity for allocution, the Court finds there are conditions or combination of conditions that will reasonably assure the defendant will not flee or will not pose a danger to any other person or the community, and the defendant is likely to abide by conditions of release. The government's request for revocation and detention is denied. The Order Setting Conditions of Release [24] shall not be revoked and the defendant shall be released on the current terms and conditions of supervision.

IT IS SO ORDERED.

Dated this 9th day of August, 2024.

BY THE COURT:

s/ Jacqueline M. DeLuca
United States Magistrate Judge